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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,186	01/21/2004	Kia Silverbrook	RRA31US	2107
24011 7590 05/16/2007 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			EXAMINER GARCIA JR, RENE	
			ART UNIT 2853	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,186	<b>Applicant(s)</b> SILVERBROOK, KIA	
	<b>Examiner</b> Rene Garcia, Jr.	<b>Art Unit</b> 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 April 2007 has been entered.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one of the complementary features being deformable" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Page 23, lines 4-12; page 27, line 28 - page 28, line 13; figures 37-39 teaching using a recess to engage retaining protrusion/168/ and two positions on inner wall of top cover molding/162/ being defined as pre-plunge recess/165/ and post-plunge recess/169/. However claim limitations recite that "...at least one of the complementary features [protrusion/168/, pre-plunge recess/165/] being deformable such that the complementary features disengage in response...".

The specification, in arguments filed 31 October 2006, on page 28 fail to teach or suggest such a complementary feature limitation. The specification on page 28 or page 23, providing most relevant material related to complementary features, fails to teach in such a way that complementary features can or do have deformable characteristics. In examiner's understanding the recess would instead provide a sliding engagement of the complementary features that would lack necessity for deformability. As state above regarding drawings, they also fail to present

illustration that would lend support for such deformability recitation either by independently or in conjunction with specification.

5. Examiner is rejecting claim 5 on the assumption that claim is more in line with amendment to claim 1, specifically that at least one of first and second portions is deformable and not at least one of the complementary features.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castellano (US 2004/0035491) in view of Yuen (US 2004/0055661).

**Castellano discloses the following claimed limitations:**

\*regarding claim 1, fluid dispenser including (fig. 18; ¶0030, ABS):

\*housing comprising first/**injector casing, 2044/** and second/**ram, 2046/** portions movable relative to each other (fig. 18; ¶0052-0054)

\*reservoir of fluid/**cartridge, 2003/** having an outlet/**orifice, 2010/** arranged to convey the fluid to a point external to the housing in response to the relative movement of the first/**2044/** and second/**2046/** portions (fig. 18; ¶0054)

\*first/**2044/** and second/**2046/** portions having complementary features that mate together to prevent motion of said portions relative to each other (fig. 18; ¶0053-0054; latch/2026/ has a protrusion that fits into notch/2047/ to prevent movement) , at least one of the first/**2044/** and

second/2046/ portions being sufficiently deformable such that the complementary feature disengage in response to a predetermined level of operative force applied across said portions after which substantially less operative force is necessary to move the portions relative to each other (fig. 18; ¶0054; latch/2026/ is deformable under pressure of sliding sleeve/2002/ to release protrusion of latch/2026/ from notch/2047/ of ram/2046/; claim limitations do not limit the direction of movement between portions and does not limit that movement before and after disengagement is in the same direction, i.e. not required to be same longitudinal, lateral or reverse of previous direction; therefore moves in one direction to disengage notch/2047/ and latch protrusion and another direction to move ram/2046/ to expel fluid).

\*further regarding claims 3 & 5, first and second portions comprise a base/2044/ and a plunger/2046/

\*regarding claim 4, complementary features comprise one or more complementary protrusions formed into opposing walls of the base and plunger (fig. 18; notch/2047/ formed on wall of ram/2046/ and protrusion formed on end of latch/2026/)

**Castellano does not disclose the following claimed limitations:**

\*regarding claim 1, fluid dispenser is a printing fluid dispenser containing printing fluid

\*regarding claims 2 & 5, reservoir comprises a deformable container located within the housing

\*Castellano does not teach that a printing fluid is utilized however does disclose uses for a degassed fluid, and further that the degassed fluid may include any liquid, or other fluid that

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contain a gas which would include printing fluid (§0001, 0028). Castellano teaches using a cartridge for the fluid but fails to teach a type of cartridge.

**Yuen disclose the following:**

\*regarding claim 1, fluid dispenser is a printing fluid dispenser containing printing fluid (ABS; §0036)

\*regarding claims 2 & 5, reservoir comprises a deformable container/**ink pouch, 16/** located within the housing (fig. 1; §0038)

Castellano and Yuen are analogous art since they classified in the same class and related to dispensing of a fluid external to housing.

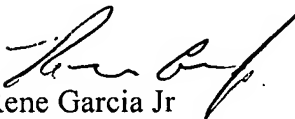
It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a fluid dispenser for a printing fluid containing printing fluid; and reservoir comprises a deformable container located within the housing as taught by Yuen into Castellano for the purpose of expelling a liquid from a container to refill an ink-jet printhead.


*Communication with the USPTO*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia, Jr. whose telephone number is (571) 272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Rene Garcia Jr  
05/07

  
**STEPHEN MEIER**  
**SUPERVISORY PATENT EXAMINER**